

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEW JERSEY  
CAMDEN VICINAGE**

DF VENTURES, LLC, *et al.*,

Plaintiffs,

V.

FOFBAKERS HOLDING COMPANY  
LLC, *et al.*,

Defendants.

Civ. No. 23-3126 (RBK/AMD)

## ORDER

**KUGLER**, United States District Judge:

**THIS MATTER** comes before the Court upon Plaintiff DF Ventures, LLC’s (“DFV”) and Plaintiff Daymond John’s Complaint (ECF No. 1) and Motion for a Preliminary Injunction (ECF No. 3). On June 7, 2023, the Court issued an Order to Show Cause (ECF No. 5), which denied Plaintiffs’ initial application for a temporary restraining order (TRO) and ordered Defendants FOFBakers Holding Company, LLC; Jabez baker, LLC; James “Al” Baker; Brittani Bo Baker; and Sabrina Baker to show cause as to why this Court should not issue a preliminary injunction against them to take down all their social media posts about Plaintiffs and bar them from making similar posts in the future.

The Court held an evidentiary hearing on the matter beginning June 13, 2023 and ending July 5, 2023. The Court heard argument and evidence over six days during that time. At the end of the June 14 hearing date, the Court consolidated the preliminary injunction hearing with the trial on the merits pursuant to Federal Rule of Civil Procedure 65(a)(2), thus turning the proceeding into an application for a permanent injunction. (Transcript of Hearing on Motion for

Preliminary Injunction, at 310, *DF Ventures, LLC and Daymond John v. FOFBakers Holding Co., LLC, et al.* (No. 23-3126) (hereinafter, “T.”)).

On June 16, 2023, the Court granted a joint application with Plaintiffs in the related case, *Rastelli Partners, LLC, et al. v. James A. Baker, et al.*, Civ. No. 23-2967, for temporary restraints on Defendants after they continued to post on social media and give interviews to local news outlets while the hearing continued. (ECF No. 24). In summary, the Order barred Defendants and their officers, agents, servants, employees, and attorneys from making any kind of public negative comments or encouraging anyone else to make any negative comments that would disparage, defame, or otherwise adversely impact the reputations of Plaintiffs here and Plaintiffs in the related case. (*Id.*). **This Order supersedes and replaces the Court’s June 16, 2023 Order granting temporary injunctive relief, (ECF No. 24), and the Court’s June 26, 2023 Order extending that the relief, (ECF No. 32).**

The Court also ordered the parties to submit supplemental briefs with proposed findings of fact and conclusions of law for the Court to consider based on the exhibits and testimony presented during the hearing. (T. at 733–34).

Having heard the evidence and arguments presented by all parties and having further considered the supplemental briefs presented, for the reasons expressed in the corresponding Opinion,

**IT IS HEREBY ORDERED** that the Court **GRANTS** the **PERMANENT INJUNCTION** against all Defendants as it pertains to **Plaintiff DF Ventures, LLC and Plaintiff Daymond John**. The terms of this Order are as follows: Brittani Baker, Al Baker, Sabrina Baker, their officers, agents, servants, employees, and attorneys, as well as any other persons who are in active concert or participation with Brittani Baker, Al Baker, Sabrina Baker,

and their officers, agents, servants, employees, and attorneys, are hereby **FOREVER PROHIBITED** from:

1. Making any public comments (whether on any social media platform, through any news outlet, or by any other conceivable means, including, but not limited to, radio and podcast platforms), written or spoken, directly or indirectly, no matter whether Brittani Baker, Al Baker, or Sabrina Baker believes such comments to be true, that would violate the terms of the 2019 Settlement Agreement, meaning any comments that may be considered to disparage or defame DF Ventures, LLC (or any of its members) or Daymond John or any current or prospective employee, vendor, or customer of DF Ventures, LLC (or any of its members) or Daymond John or any entity DF Ventures, LLC (or any of its members) or Daymond John operates, has control of, or has any interest in. This also means those listed above are prohibited from making any public comments (whether on any social media platform, through any news outlet, or by any other conceivable means, including, but not limited to, radio and podcast platforms), written or spoken, directly or indirectly, no matter whether Brittani Baker, Al Baker, or Sabrina Baker believes such comments to be true, about DF Ventures, LLC (or any of its members) or Daymond John (including any current or prospective employee, vendor, or customer of DF Ventures, LLC (or any of its members) or Daymond John or any entity DF Ventures, LLC (or any of its members) or Daymond John operates, has control of, or has any interest in) that may be considered in any way negative, disparaging, or false which could adversely impact the reputation, goodwill, credibility, or value of DF Ventures, LLC (or any of its members) or Daymond John or could discourage any current or prospective customers from buying products from them; and

2. Encouraging others, directly or indirectly, from making any comments (whether on any social media platform, through any news outlet, or by any other conceivable means, including, but not limited to, radio and podcast platforms), written or spoken, directly or indirectly, no matter whether any such person believes such comments to be true, that may be considered to disparage, defame, or be in any way negative, disparaging, or false which could adversely impact the reputation, goodwill, credibility, or value of DF Ventures, LLC (or any of its members) or Daymond John or could discourage any current or prospective customers from buying products from them; and

**IT IS HEREBY FURTHER ORDERED** that Brittani Baker, Al Baker, and Sabrina Baker must **IMMEDIATELY** take down and remove all social media posts described in the Complaint related to DF Ventures, LLC and Daymond John and/or their Affiliates from the websites or applications to which they were posted, including, but not limited to, Facebook, Twitter, Instagram, YouTube, and TikTok; and

**IT IS HEREBY FURTHER ORDERED** that Brittani Baker, Al Baker, and Sabrina Baker must **IMMEDIATELY** take down and remove all social media posts described in the Complaint related to the LA Times story from the website or applications to which they were posted, including, but not limited to, Facebook, Twitter, Instagram, YouTube, and TikTok; and

**IT IS HEREBY FURTHER ORDERED** that Brittani Baker, Al Baker, and Sabrina Baker must **IMMEDIATELY** take down and remove the pop-up window that appears on the bbqconsulting.com website and prompts visitors to subscribe for email updates regarding Defendants' perceived situation. Brittani Baker, Al Baker, and Sabrina Baker are **PROHIBITED** from soliciting email addresses from the public and disseminating information of any kind that would violate the 2019 Settlement Agreement; and

**IT IS HEREBY FURTHER ORDERED** that Defendants must file an affidavit or declaration with the Court within **forty-eight (48) hours** of this Order's filing setting forth exactly what they have done to take down and remove all their known social media and other posts about Plaintiffs as well as all known posts about Plaintiffs posted by any of Defendants' officers, agents, servants, employees, and attorneys.

Dated: July 21, 2023

/s/ Robert B. Kugler  
ROBERT B. KUGLER  
United States District Judge